

2021-037

CAMPAIGN FINANCE DIVISION

☒ **WAIVER REQUEST**
☐ **RECONSIDERATION REQUEST**

DATE: 3/22/2021
DOCKET #:

FILER INFORMATION

Name: Wayne J. Nocito
Office: Constable, 2nd Justice Court
Parish: JEFFERSON
Election Date: 11/3/2020
Level of Office: District

REPORT INFORMATION

Name of Report: 10-G
Original Due Date: 11/25/2020
Date Filed: 12/7/2020
Activity Receipts: \$2,781.63
Expenditures: \$2,781.63
Funds at Close of Reporting Period: \$-0

LATE FEE INFORMATION

Amount of Late Fee: \$720
Days Late: 12
Late Fee Order Received: 2/13/2021
Payment/Waiver Request Due Date: 3/5/2021
Waiver Request Received: 3/2/2021
Additional Information Requested:

- Medical
- Financial
- Other

COMMENTS: Beryl C. Dantin, CPA for Wayne J. Nocito request a waiver and states the following: For every candidate she does reporting for, she uses the website to get the filing schedule and file all reports through LEADERS. No candidate has ever given me the schedule they receive when they qualify. She handles four candidates reporting and have a good reputation of timely filing reports. This was the first time she was not provided with the correct filing schedule. It was not until the candidate received a letter from the Board questioning filing the 10-G report that she realized the schedule on the website had changed.

OTHER LATE FEE INFORMATION

Campaign Finance:

Other Outstanding Reports: No
Other Outstanding Late Fees: No
Prior Late Fees: No
Reassessed Late Fees: No

Disclosure Statements:

Other Outstanding Late Fees: No
Prior Late Fees: No

February 28, 2021

Louisiana Board of Ethics

Attention: Ms. Melissa Horn

P. O. Box 4368

Baton Rouge, LA 70821

Dear Ms. Horn,

Can 992772, Wayne Nocito, received the attached certified letter a few weeks ago. This letter is assessing a late filing fee on 10 G prior to election day 11/3/2020. This return was due November 25, 2020. It was filed December 7, 2020, which was 12 days late, and a late filing fee is being assessed of \$720.00.

I am writing this letter to respectfully request waiver of this late filing fee of \$720.00 due the fact that the Ethics Board website was not properly updated timely for this November 3, 2020 election.

When the candidate called me that he was qualified to run in this election. I went to the website and printed the filing requirements for November 3, 2020. Please find attached the filing schedule I got off the site for this election. I realize this was a strange time for all of us, and there was a lot of conversation that this election may not happen or maybe postponed. I do not think the office of the Ethics Board was open for business when he qualified. For every candidate that I do reporting for, I use the website to get filing schedules, and I file all reports through LEADERS. No candidate has ever given me the schedule they receive when they qualify.

I handle four candidates reporting and have a good reputation of timely filing reports. I have always relied on the ethics board website to provide me with the accurate filing requirements for each of election. This is the first time, I was not provide with the correct filing schedule. It was not until the candidate received a letter from the Board questioning the filing of this 10G report, and he called me. I then went to website, and I realized the schedule on the website had changed. I do not know at what timeframe this schedule got updated. You should see that this candidate's first two filings were filed timely. You can also look at the reporting for the previous election he ran for and won, you should see that all reports for that election were timely filed. When I went to website and saw that this election schedule had changed, I was terribly upset. When I originally went to site and saw the schedule was a little different than I usually see, I did

not question it, because I thought it could be different due to these unusual times we are working under.

You can check my record on other candidates and see that all their filing were done timely. Again, I stress NO Candidate has ever given me the packet they received when they qualify. When they call and tell me they have qualified to run for an office and they want me to handle their reporting, I go to the website and print the filing schedule. I notify the candidate of the timeframe of the report and the due date of the report when they have to file a report.

The other Candidates that I do reporting for are:

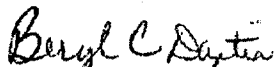
Belinda Cambre Constant – Mayor of Gretna

Mike Hinyub – Council of Gretna District 2

Marion Edwards – Jefferson Parish Councilman District 1

I respectfully request, that this Board consider the circumstances that this election was held under, while also considering my history of working with the reporting required by the Ethics Board. I am hopeful based on my history of timely filing and being an advocate for this Board with all my candidates, that this Board would abate this late filing fee of \$720.00. This abatement would be most appreciated.

Sincerely,



Beryl C. Dantin, CPA

1813 Squirewood Drive West

Harvey, LA 70058

February 10, 2021

Mr. Wayne J. Nocito
35 Nottoway Dr.
Marrero, LA 70072-5078

CERTIFIED MAIL

NO. 702005-0000079871954

RETURN RECEIPT REQUESTED

RE: Late fee assessment for the November 3, 2020 Election
10-C Campaign Finance Disclosure Report filed 12 days late

Dear Mr. Nocito:

Enclosed is an assessment of a late fee pursuant to La R.S. 18:1505.4 and La. R.S. 18:1511.4.1. Please submit a check or money order in the amount of \$720 payable to the Treasurer of the State of Louisiana to P. O. Box 4368, Baton Rouge, LA 70821. Please note that late fees can only be paid by the candidate or by his campaign.

You have 20 days from receipt of this letter to dispute this assessment. You may elect to do either or both of the following:

1. You may submit your request for a waiver to the attention of the Louisiana Board of Ethics.

Waivers are handled by the Ethics Board. The Board of Ethics may reduce, suspend, or decline to waive a late fee assessment based on the cause shown by the person, candidate, or political committee. If you submit a request for a waiver of the late fee to the Board of Ethics, your request should contain details as to why, in your opinion, you have good cause why your report was not timely filed. Also, if you would like to appear before the Board of Ethics in connection with your request, you should state that in your letter. The request should be submitted to the attention of the Board of Ethics at the following address: P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225) 381-7271.

2. You may appeal the assessment directly to the Ethics Adjudicatory Board (EAB).

Appeals to the EAB are proceedings before a three judge panel. The determination is made regarding whether the person, candidate, or political committee was required to file the report and whether the report was filed late. Mitigating factors are not considered during an EAB proceeding. The EAB does not have the authority to reduce, suspend, or waive a late fee assessment. If you choose to appeal the assessment to the EAB, you should submit your request for an appeal to the attention of the Executive Secretary of the Louisiana Board of Ethics at P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225) 381-7271.

If you timely submit a waiver request or appeal, your name will not be posted on the website pending the result of your appeal. Furthermore, if you request an appearance, you will be notified of the place and time prior to the meeting.

If you do not pay or dispute the assessment of the late fee within 20 days from the receipt of this letter, the matter will be forwarded to the Attorney General's Office to pursue collection. If the matter is forwarded to the Attorney General's Office for collection, you may be responsible for all additional costs incurred. Additionally, late fees not paid by the due date will be posted on the agency website.

You should be aware that unpaid campaign finance fines, fees or penalties may have an adverse effect on your ability to run for public office in the future, as the Board of Ethics will object to your future qualifications for candidacy for public office pursuant to La. R.S. 18:491 and R.S. 18:492.

Sincerely,

LOUISIANA BOARD OF ETHICS



Melissa Horn

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF LOUISIANA LOUISIANA BOARD OF ETHICS
acting in its capacity as the
SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE

In Re: Wayne J. Nocito
November 3, 2020 Election

LATE FEE ASSESSMENT ORDER

WHEREAS, Wayne J. Nocito, in his capacity as a candidate for Constable, 2nd Justice Court in the November 3, 2020 election was required to file campaign finance reports pursuant to La. R.S. 18:1484.


WHEREAS, La. R.S. 18:1505.1 provides that it is a violation of the Campaign Finance Disclosure Act to fail to timely file campaign finance reports.

WHEREAS, in accordance with La. R.S. 18:1495.4B(5), Wayne J. Nocito was required to file a 10th Day Prior to General Report (10-G) by November 25, 2020. Wayne J. Nocito filed the report on December 7, 2020 and was 12 days late.

WHEREAS, La. R.S. 18:1505.4A(2)(a)(ii) provides that an automatic late fee of \$60 per day (not to exceed \$2,000) be assessed against Wayne J. Nocito for this late filing.

ACCORDINGLY, IT IS ORDERED that a late fee of \$720 is assessed against Wayne J. Nocito for failure to timely file his campaign finance disclosure report.

ORDER signed on the 10th day of February 2021 at Baton Rouge, Louisiana.



Angela Newsom, Director
Campaign Finance & Lobbying Division

SCHEDULE OF REPORTING AND FILING DATES PROPOSITION ELECTION

November 3, 2020

(225) 219-2600

Any person, other than a candidate or political committee, who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a proposition or question submitted to the voters is required to file reports of such contributions and expenditures if the total amount of contributions or expenditures equals or exceeds \$1,000. Any candidate or political committee who solicits or receives any contribution or makes any expenditure in support of, or opposition to, a proposition or question submitted to the voters is required to file reports of such contributions and expenditures if the total amount of contributions or expenditures equals or exceeds \$200. The provisions of the Campaign Finance Disclosure Act that apply to political committees apply to persons supporting or opposing propositions. The schedule of the reporting dates for this election is as follows:

GNC CAN 992732

REPORT TYPE	REPORT COVERS PERIOD FROM:	REPORT COVERS PERIOD THROUGH:	REPORT(S) DUE BY: ¹
30th day prior to election	date on which first contribution received or expenditure made, whichever is earlier	✓ September 24, 2020	October 5, 2020 ✓
10th day prior to election	September 25, 2020	October 14, 2020	October 26, 2020 ✓
Special (48-hour) report(s) ²	October 15, 2020	November 3, 2020	within 48 hours of transaction
40th day after election ³	October 15, 2020	December 3, 2020	December 14, 2020
Supplemental report ⁴	December 4, 2020	December 31, 2020	February 17, 2021

Date received either physically or electronically, by facsimile or e-mail, in the office of the supervisory committee or date of postmark or date received on a return receipt requested from the United States Post Office or receipt or invoice from commercial delivery service.

² Special (48-hour) Reports: A special report must be filed if, during the 20 days preceding the election, a contribution in excess of \$200 is received or an expenditure in excess of \$200 made. The report is due within 48 hours of the transaction (or the next working day if the time falls other than during regular working hours).

³ 40th day after the election is the last report filed provided no financial activity related to this proposition occurs for the remaining 2020 calendar year.

⁴ Supplemental Report: If there is any financial activity related to this proposition election from December 4, 2020 through December 31, 2020, a supplemental report should be filed by February 17, 2021.

Questions? Please call (225) 219-5600 or (800) 842-6630 for more information.

Rev 6/2018

got when first went to site for 11/3/20 Election

SCHEDULE OF REPORTING AND FILING DATES FOR CANDIDATES & PACs SUPPORTING OR OPPOSING CANDIDATES PRIMARY ELECTION - November 3, 2020 GENERAL ELECTION

NO.	REPORT TYPE	REPORT COVERS PERIOD FROM:	REPORT COVERS PERIOD THROUGH:	REPORT DUE BY:	FILED BY
1.	180 th day prior to primary (180-P)	<ul style="list-style-type: none"> if 2019 annual report filed + - January 1, 2020 if first report - date of first contribution/ expenditure 	April 27, 2020	May 26, 2020**	major offi or opposin
2.	90 th day prior to primary (90-P)	<ul style="list-style-type: none"> if 2019 annual report filed + - January 1, 2020 if first report - date of first contribution/ expenditure if 180-P filed - April 28, 2020 	July 26, 2020	August 5, 2020	major offi or opposin
3.	30 th day prior to primary (30-P)	<ul style="list-style-type: none"> if 2019 annual report filed + - January 1, 2020 if first report - date of first contribution/ expenditure if 90-P filed - July 27, 2020 	September 24, 2020	October 5, 2020 ✓	all candid opposing
4.	10 th day prior to primary (10-P)	September 25, 2020	October 14, 2020 ✓	October 26, 2020 ✓	all candid opposing
•	Special (48 hour) report (s)	October 15, 2020	November 3, 2020	within 48 hours of transaction	candidate; having ce
5.	Election Day Expenditures	See instructions on reverse side	November 3, 2020	November 13, 2020	all candid opposing
6.	10 th day prior to general (10-G)	October 15, 2020	November 15, 2020	November 25, 2020	MUST BE BY PACS & PRIMAR
•	Special (48 hour) report (s)	November 16, 2020	December 5, 2020	within 48 hours of transaction	candidate; having ce
7.	Election Day Expenditures	See instructions on reverse side	December 5, 2020	December 15, 2020	all candid opposing
8.	40 th day after general (40-G)	November 16, 2020	January 4, 2021	January 14, 2021	all candid opposing
9.	Supplemental & Annual	November 16, 2020, if not in general January 5, 2021, in general	December 31, 2020 December 31, 2021	February 17, 2021 February 15, 2022	candidate; with outst additional

* Date received either physically or electronically, by facsimile or e-mail, in the office of the supervisory committee or date of postmark or date receipted on a return receipt requested form from the United States Post Office or receipt or invoice from commercial delivery service. Law requires that candidates for "major offices" and "district offices" file campaign finance reports electronically.

** Given the Governor's proclamation 37, 180-P report due date has been extended from May 7, 2020 to May 26, 2020.

† An annual report is due by February 18, 2020, if contributions received or expenditures made in 2019.

Revised 5/4/2020

Schedule after the candidate called me about letter received!

Fax Received 07:23:23 2021-03-02

Updated schedule

